

ADJOURNMENT.

On motion of Mr. DeWolfe, the House, at 1 o'clock p. m., adjourned until 9 o'clock a. m. next Monday.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following committees have filed favorable reports on bills, as follows:

State Affairs: House bills Nos. 38, 626 and 768, Senate bills Nos. 528, 45, 118 and 352.

Banks and Banking: Senate bill No. 531.

Education: Senate bills Nos. 276, 309, 275, 430, House bills Nos. 1010 and 772.

Criminal Jurisprudence: Senate bill No. 153.

School Districts: House bill No. 875.

The Committee on Municipal and Private Corporations filed an adverse report, with a minority favorable report, on House bill No. 722.

The Committee on State Affairs filed an adverse report on Senate bill No. 585.

FORTY-FIRST DAY.

(Monday, April 13, 1931.)

The House met at 9 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Minor.

The roll was called, and the following members were present:

Mr. Speaker.	Carpenter.
Adams of Harris.	Caven.
Adams of Jasper.	Claunch.
Adamson.	Coltrin.
Adkins.	Coombes.
Akin.	Cox of Lamar.
Albritton.	Cox of Limestone.
Alsup.	Cunningham.
Anderson.	Dale.
Baker.	Daniel.
Barron.	Davis.
Beck.	DeWolfe.
Bedford.	Donnell.
Bond.	Dowell.
Bounds.	Dunlap.
Boyd.	Duvall.
Bradley.	Dwyer.
Brice.	Elliott.
Brooks.	Engelhard.
Bryant.	Farmer.
Burns	Farrar.
of McCulloch.	Ferguson.

Fisher.	Magee.
Forbes.	Mathis.
Ford.	Mehl.
Gilbert.	Metcalf.
Giles.	Moffett.
Goodman.	Moore.
Graves.	Murphy.
Greathouse.	Nicholson.
Grogan.	Olsen.
Hanson.	O'Quinn.
Hardy.	Patterson.
Harman.	Petsch.
Harrison	Pope.
of El Paso.	Ramsey.
Harrison	Ratliff.
of Waller.	Ray.
Hatchitt.	Reader.
Hefley.	Richardson.
Herzik.	Rogers.
Hill.	Rountree.
Hines.	Sanders.
Holder.	Savage.
Holland.	Scott.
Hoskins.	Shelton.
Howsley.	Sherrill.
Hubbard.	Smith of Bastrop.
Hughes.	Smith of Wood.
Jackson.	Sparkman.
Johnson	Stephens.
of Dallam.	Stevenson.
Johnson	Steward.
of Dimmit.	Strong.
Johnson of Morris.	Sullivant.
Jones of Shelby.	Tarwater.
Jones of Atascosa.	Terrell
Justiss.	of Cherokee.
Kayton.	Terrell
Keller.	of Val Verde.
Kennedy.	Turner.
Laird.	Van Zandt.
Lasseter.	Vaughan.
Lee.	Veatch.
Lemens.	Wagstaff.
Leonard.	Walker.
Lilley.	Warwick.
Lockhart.	West of Coryell.
Long.	West of Cameron.
McCombs.	Westbrook.
McDougald.	Wiggs.
McGill.	Wyatt.
McGregor.	Young.

Absent.

Finn.	Munson.
Martin.	Weinert.

Absent—Excused.

Burns of Walker.	Morse.
Dodd.	Satterwhite.
Fuchs.	Towery.
Holloway.	

A quorum was announced present.

Prayer was offered by the Rev. John W. Holt, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Holloway and Mr. Dodd for today, on motion of Mr. Johnson of Morris.

Mr. Fuchs for today, on motion of Mr. Shelton.

Mr. Burns of Walker for today, on motion of Mr. Stevenson.

Mr. Towery for today, on motion of Mr. Adamson.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today (by unanimous consent), were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Keller:

H. B. No. 1019, A bill to be entitled "An Act limiting the amount of white perch, crappie or bass that may lawfully be taken in one day from the public fresh waters of Dallas county, Texas; prescribing penalties for violating this act, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Metcalfe:

H. B. No. 1020, A bill to be entitled "An Act amending Article 791 of the Penal Code so as to grant to incorporated cities and towns authority and power to regulate the rate of speed of ambulances over public streets and alleys of any such city or town, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Anderson and Mr. Dwyer.

H. B. No. 1021, A bill to be entitled "An Act providing that all examining trials held before justices of the peace, sitting as magistrates, must be held in the justice precinct in which the alleged offense is committed, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Boyd:

H. B. No. 1022, A bill to be entitled "An Act amending Article 879 of the Penal Code of Texas, 1925, as

amended by Chapter 215, Acts Fortieth Legislature, by amending Article 879a created by said Chapter 215, so as to fix an open season for hunting, taking or killing wild ducks, wild geese, wild brant, wild snipe, wild gallinules, wild coot or mudhen, conforming to Federal Laws, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Pope:

H. B. No. 1023, A bill to be entitled "An Act to amend Article 1303 of the Revised Civil Statute of 1925, and declaring an emergency."

Referred to Committee on Municipal and Private Corporations.

By Mr. Jones of Atascosa:

H. B. No. 1024, A bill to be entitled "An Act amending Articles 784, 790, 792, 794, 795, 796, 797, 797a, 798, 799, 804, 805, 806, 808, 811, 812, 813, 815, 817, 821 and 822, and the last and concluding paragraph of Article 801, being the paragraph following numbered Section (n), and prescribing the penalty under said article of the Penal Code of Texas of 1925; and amending Sections 14d and 14f, Chapter 88, Acts Second Called Session of the Forty-first Legislature, etc., and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

RELATIVE TO HOUSE BILL NO. 569.

Mr. Bradley moved that House bill No. 569, reported adversely, with a minority favorable report, be printed.

Mr. Bedford raised a point of order on further consideration of the motion on the ground no minority report has been filed, and that under the Rules of the House the motion comes too late.

The Speaker sustained the point of order.

BILL ORDERED NOT PRINTED.

On motion of Mr. Holland, House bill No. 45 was ordered not printed.

RELATIVE TO OBTAINING CERTAIN LAND FOR STATE PARK.

The Speaker laid before the House, for consideration at this time, House concurrent resolution No. 43, relative to obtaining certain land for use as State park, the resolution having

heretofore been read second time and referred to the Committee on Public Lands and Buildings; the Committee on Public Lands and Buildings having filed a favorable report on the resolution.

Question recurring on the resolution, it was adopted.

HOUSE BILL NO. 536 ON SECOND READING.

On motion of Mr. Hubbard, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 536, A bill to be entitled "An Act to repeal Article 7065, and to amend Articles 7065a, e and j, Section 17, Chapter 88, House bill No. 6, Acts of the Second Called Session of the Forty-first Legislature, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Hubbard offered the following (committee) amendment to the bill:

Amend House bill No. 536 by striking out all below the enacting clause and substitute in lieu thereof the following:

Section 1. That Article 7065, Section 17, Chapter 88, Acts of the Second Called Session of the Forty-first Legislature, referred to hereafter as said Section 17, be, and the same is, hereby in all things repealed.

Sec. 2. That Article 7065a, Section 17, Chapter 88, Acts of the Second Called Session of the Forty-first Legislature, be, and the same is, hereby amended so as to hereafter read as follows:

"Article 7065a. (1) There is hereby imposed an occupation or excise tax of four cents (4c) on each gallon of gasoline or fractional part thereof, on every 'wholesale sale,' or 'sale at wholesale,' as defined herein, and 'wholesale sale' shall mean:

"(a) The first distribution, sale or use in intrastate commerce of gasoline refined, blended, imported into, or otherwise produced in or brought into this State.

"(b) The first distribution, sale or use in intrastate commerce of gasoline upon which no tax has previously accrued under Subdivision (a) hereof.

"(2) The tax shall accrue on the first distribution, sale or use, so that a single tax only will be collected on the same gallon of gasoline, it being

intended to impose the tax at its source in Texas, or as soon thereafter as such gasoline may be subjected to being taxed. No person, however, shall be required to pay a tax on gasoline imported into this State in the tank of a motor vehicle, connected with and which feeds the carburetor or substitute therefor, in quantities of fifty (50) gallons or less, when such gasoline is actually used in said vehicle, and is not extracted from said tank for distribution, or sale, or for use in another vehicle.

"(3) If casinghead gasoline, which shall include gasoline made from natural gas, is produced in, or imported into this State, a permit may be obtained from the Comptroller on a form to be issued by him, to export, sell or distribute for blending purposes in this State to another distributor, and in such event, such distributor shall make reports thereon as required by the provisions of this act, but no remittance need be made where such producing distributor sells, distributes or delivers to another distributor, but in that event, the distributor blending the same shall pay the tax. Any such distributor having casinghead gasoline, unless he exports, sells or delivers to another distributor, or delivers to his own plant, to be blended, shall pay the tax.

"(4) No tax shall be imposed on any gasoline, the imposing of which would constitute an unlawful burden on interstate commerce, and which is not subject to be taxed under the Constitution of the State of Texas and the United States; and provided, that the tax imposed herein shall be in lieu of any other excise or occupation tax imposed by the State, or any political subdivision thereof, on gasoline.

"(5) Any person making a 'wholesale,' or otherwise handling gasoline in such manner as to subject him to the payment of the tax hereunder, shall be a 'distributor' and the sale, distribution, or use upon which said tax accrues constitute a 'wholesale sale' or 'sale at wholesale,' and 'sale' or 'sell' by distributor, as used herein, shall mean the sale, use or distribution upon which the tax accrues.

"(6) 'Distributor' shall include, but not be limited to, the first shipping, transporting, delivery or placing at different point in intrastate commerce.

"(7) Every distributor selling gasoline at 'wholesale,' as defined herein, shall pay to the State of Texas an

occupation tax equal to four cents (4c) per gallon or fractional part thereof so distributed, sold or used, and such tax shall be due and payable at the Office of the Comptroller of Public Accounts at Austin, Texas, on the 25th day of each month, except the first month such distributor shall do business, and in that event, the report and tax shall be due on the tenth of the month, the same to be based on such sales made during the calendar month next preceding, and at the same time the distributor shall make and deliver to the Comptroller of Public Accounts, a report properly sworn to and executed by such distributor or his representative in charge, on such forms as the Comptroller shall prescribe, which, among other things, shall give the number of gallons of gasoline sold at 'wholesale,' in interstate and intrastate commerce, and exported during the preceding calendar month, and the number of gallons of gasoline used, distributed or lost by evaporation, or otherwise, upon which no tax is paid.

"(8) Provided, however, that the tax on the one per cent (1%) of the taxable gallonage shall be deducted by the distributor to cover the expense of complying with the provisions hereof, and to take care of any loss by evaporation.

"(9) If any distributor, or other person, shall export or lose by fire, or otherwise, any gasoline, so that the same may never be made use of within this State, after the tax has been paid on such gasoline, claim for refund may be made in the same manner as if said gasoline had been used for agricultural purposes, as provided by this act, and provided that no claim shall be made for loss due to any one accident or export of less than one hundred (100) gallons; provided, however, that showing must be made that said tax was paid, and the Comptroller shall deduct from all refunds made under the provisions of this act the one per cent (1%) allowed above, which shall also be deducted from all other claims for refund.

"(10) The tax herein imposed shall be posted separately from the price of the gasoline, wherever sold in this State, and such tax shall be collected by each person upon the sale of each gallon of gasoline in this State, so that the tax will be paid by the ultimate consumer to the distributor.

"(11) Gasoline or gasoline substitutes as defined herein shall include but not be limited to mean that prod-

uct ordinarily known and referred to as gasoline, or any volatile and inflammable liquid produced, compounded, or blended which is ordinarily, practically and commercially usable in an internal combustion engine for the generation of power to be used for the purpose of propelling a motor vehicle or vehicles over or upon highways and streets, including crude oil, kerosene and any gasoline substitute or other product which may be produced, compounded or blended so as to be ordinarily, practically and commercially usable in internal combustion engines for the above-named purpose.

"(12) Instead of requiring a filing fee to accompany any claim for refund, as provided for in this act, the Comptroller may adopt rules and regulations providing that in lieu thereof, said filing fee may be deducted out of the refund to which the claimant may be entitled."

Sec. 3. That Article 7065e, Section 17, Chapter 88, Acts of the Second Called Session of the Forty-first Legislature, be, and the same is, hereby amended so as to hereafter read as follows:

"Article 7065e. (1) Before any permit shall be issued, and before engaging in the sale of gasoline in Texas, every distributor shall execute and file with the Comptroller a good and sufficient surety bond, with two sureties, if the Comptroller shall require the same, signed by said distributor, and a good and sufficient surety company or companies authorized to do business in this State, to be approved by the Comptroller in an amount not less than two thousand five hundred dollars (\$2500), nor more than one hundred thousand dollars (\$100,000) payable to the State of Texas, and conditioned for the full, complete and faithful performance of all of the conditions and requirements of this act, on a form to be prescribed by the Comptroller, with the approval of the Attorney General, expressly providing for the payment of all taxes, costs, penalties, and interest at Austin, Texas. The amount of the bond required of any distributor shall be fixed by the Comptroller, and additional bond may be required by him at any time, subject to the limitations herein provided, but the distributor may demand a reduction of his bond after six months from the effective date hereof in a sum to be not more than three times the highest tax said

distributor has paid for any month during the preceding six months, but which shall never be less than the minimum nor more than the maximum aforesaid. Provided, further, that no distributor shall be required to give more than the minimum bond the first month this act becomes effective or the month he shall first engage in business as a distributor, but thereafter the Comptroller may demand additional bond. No recoveries on any bond, or execution or any new bond or renewal of a permit shall invalidate any bond. A new bond may be demanded when any new permit is issued or revived, but no revocation or revival shall affect the validity of any bond.

"(2) That in lieu of giving a bond, any distributor may deposit in the Suspense Account of the State Treasury, money in the amount of the bond that may be required, which shall never be released until securities are substituted for the same or a bond executed in lieu thereof, or until the Comptroller has made a complete and thorough investigation and authorized the same to be released; and provided, in lieu of cash or the bond required by this act, such distributor may deposit securities with the Comptroller, if acceptable to him, which shall be placed in the Treasury as other securities, but in all events such securities shall be of the same class as the funds of the University of Texas may be invested in.

"(3) Provided, however, that if any distributor, as defined herein, shall begin business and upon due investigation by the Comptroller it shall appear that the properties belonging to said distributor are free from all liens upon which the State would have a lien, are not of the value of twenty-five thousand dollars (\$25,000), then and in that event, only, the Comptroller of Public Accounts may require a minimum bond, cash or securities, as provided by this act, in the sum of twenty thousand dollars (\$20,000)."

Sec. 4. That Article 7065h, Section 17, Chapter 68, Acts of the Second Called Session of the Forty-first Legislature, be, and the same is, hereby amended so as to hereafter read as follows:

"Article 7065h. (1) Every distributor required to obtain a permit for the purpose of selling gasoline at

wholesale shall be required to keep a complete set of records and books, showing all such sales made upon which the tax herein levied is measured or computed, which record shall be kept in a bound book or books and shall show the date of sale of each sale, use or distribution and the amount thereof, and the same to be preserved as a permanent and complete record of all gasoline received, distributed, used or sold at wholesale by such distributor, whether the same be subject to the tax required to be paid herein or not; all of which records and books shall be open at all times to the official inspection, audit and examination of the Comptroller, Attorney General or their duly authorized agents.

"(2). If any distributor fails or refuses to pay any tax, penalties or interest within the time and manner provided by this act, and it becomes necessary to bring suit or to intervene in any manner for the establishment or collection of said claim, in any judicial proceedings, any report filed in the office of the Comptroller by such distributor, or his representative, or a certified copy thereof, certified to by the Comptroller or chief clerk, showing the amount of gasoline sold at 'wholesale' by such distributor or his representative, on which such tax, penalties or interest have not been paid, or any audit made by the Comptroller or his representative from the books of said distributor, when signed and sworn to by such representative as being made from the records of said distributor or persons from whom such distributor has bought, received or delivered gasoline, whether from a transportation company or otherwise, such report or audit shall be admissible in evidence in such proceedings and shall be prima facie evidence of the contents thereof; provided, however, that the incorrectiveness of said report or audit may be shown.

"(3). In the event the Attorney General shall file suit or claim for taxes provided for in the foregoing section, and attach or file as an exhibit any report or audit of said distributor, and an affidavit shall be made by the Comptroller or his representative that the taxes shown to be due by said report or audit are past due and unpaid, that all payments and credits have been allowed, then,

unless the party resisting the same shall file an answer in the same form and manner as required by Article 3736, said audit or report shall be taken as prima facie evidence thereof and the proceedings of said article are hereby made applicable to suits to collect taxes hereunder."

Sec. 5. That Article 7065j, Section 17, Chapter 88, Acts of the Second Called Session of the Forty-first Legislature, be, and the same is, hereby amended so as to hereafter read as follows:

"Article 7065j. (1) If any distributor shall (a) sell any gasoline upon which a tax is required to be paid by this act without at the time having a valid permit, or (b) fail to keep any of the records required to be kept by the provisions of this act, or (c) fail to make the report or remittance required by Article 7065a, or (d) if any distributor or other person affected by this act shall fail or refuse to abide by the provisions hereof, and the rules and regulations promulgated hereunder, or violate the same, he shall forfeit to the State as a penalty the sum of not less than five dollars (\$5) nor more than one thousand dollars (\$1000), and each day's violation shall constitute a separate offense and incur another penalty, which, if not paid, shall be recovered in a suit by the Attorney General in a court of competent jurisdiction in Travis county, Texas, or any other court having jurisdiction; provided, however, that in addition to the penalties above, if the distributor does not make the remittance within the time prescribed by law, he shall forfeit two per cent (2%) of the amount of the tax due if not paid within twenty (20) days from the due date, (e) and if the same is not paid at the expiration of said time, he shall forfeit an additional eight per cent (8%) penalty, and all past due taxes and penalties shall draw interest at the rate of ten per cent (10%), and the State shall have a prior lien upon all of the property of such person used in the business of distributing or selling gasoline."

Sec. 6. That Article 7065k, Section 17, Chapter 88, Acts of the Second Called Session of the Forty-first Legislature, be, and the same is hereby, amended so as to hereafter read as follows:

"Article 7065k. Whosoever shall, as distributor or as agent or representative of a distributor, knowingly make any false entry or fail to make entries in the books required to be kept by this act, with intent to defraud the State, or whoever as such shall knowingly make a false or incomplete return as required by the Comptroller of Public Accounts to be made under this act, shall be guilty of a misdemeanor and, upon conviction therefor, shall be fined in a sum not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1000), or to be confined in the county jail not more than six (6) months, or by both such fine and imprisonment."

Sec. 7. That Article 7065f, Section 17, Chapter 88, Acts of the Second Called Session of the Forty-first Legislature, be, and the same is, hereby amended so as to hereafter read as follows:

"Article 7065f. All taxes, fines, penalties and interest due by any distributor to the State shall be a preferred lien upon all of the property of any distributor devoted to or used in his business as distributor, not exempt under the Constitution, and if any distributor shall fail to remit proper taxes due, the Comptroller may employ auditors or other persons to ascertain the correct amount due, and if such taxes have not been properly remitted, the distributor, as a penalty, shall pay the reasonable expenses incurred in such investigation and audit as additional penalty; provided, however, that all funds paid to the auditor of the Comptroller as expenses incurred in making audits shall be placed in a special fund in the State Treasury, which shall be used until exhausted for making other audits, and said sums are hereby appropriated for that purpose; provided, that nothing herein shall prevent the Comptroller, when said fund is exhausted, from using other funds available for that purpose."

Sec. 8. The fact that the State is losing hundreds of thousands of dollars annually in gasoline taxes by reason of the fact that under the present law the Comptroller cannot determine who actually owes the tax, and by reason of the fact that the

Attorney General cannot prove up a case under said law, since he has to prove, in many instances, the nature of two separate sales and the final disposition of the gasoline, and the fact that there are ambiguities and conflicts in the present law, and the expense of enforcing the same is unusually large by reason of the failure to tax the same at the source, and the fact that the gasoline market has been demoralized by reason of irresponsible persons being permitted to engage in the sale of such gasoline without having any satisfactory check on them or means of collecting the tax, creates an emergency and an imperative public necessity that the constitutional rule requiring the bills to be read on three separate days in each house be suspended, and the same is hereby suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Hubbard offered the following amendment to the (committee) amendment:

Amendment to House bill No. 536: Amend Subdivision (11) of Section 2, Article 7065a, line 35, page 3, of the printed substitute bill by striking out Subdivision (11), beginning with the word "gasoline" and ending with the word "purpose," and substituting in lieu thereof the following:

"'Gasoline,' as used herein, shall include any derivative of petroleum or any other inflammable liquid that will flash at 110 degrees Fahrenheit or less, in the official closed testing cup method of the United States Bureau of Mines; and provided, further, that any other product which may be ordinarily, practically and commercially usable in internal combustion engines, used for the generation of power in propelling a motor vehicle over the highways of this State, shall be included in said definition."

HUBBARD.
STEVENSON.

The amendment was adopted.

Mr. Hubbard offered the following amendment to the (committee) amendment:

Amend (committee) substitute No. 1 to House bill No. 536, page 1, Section 1, lines 18 and 19, by striking out the words "referred to hereafter as Section 17."

The amendment was adopted.

Mr. Engelhard offered the following amendment to the amendment:

Amend (committee) amendment No. 1, House bill No. 536, line 26, Section 2, by striking out the figures "(4c)" and insert in lieu thereof "(5c)."

Mr. Wiggs moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—85.

Adams of Jasper.	Jones of Shelby.
Adamson.	Jones of Atascosa.
Albritton.	Justiss.
Alsup.	Keller.
Baker.	Lemens.
Beck.	Lilley.
Bedford.	Lockhart.
Boyd.	Long.
Bradley.	McDougald.
Brooks.	McGill.
Bryant.	McGregor.
Burns	Magee.
of McCulloch.	Mathis.
Claunch.	Mehl.
Coltrin.	Moffett.
Cox of Limestone.	Moore.
Cunningham.	Murphy.
Daniel.	Olsen.
DeWolfe.	O'Quinn.
Donnell.	Patterson.
Dwyer.	Petsch.
Elliott.	Ramsey.
Farmer.	Ratliff.
Farrar.	Rogers.
Ferguson.	Rountree.
Forbes.	Sanders.
Ford.	Sherrill.
Gilbert.	Smith of Bastrop.
Goodman.	Smith of Wood.
Graves.	Sparkman.
Greathouse.	Steward.
Grogan.	Strong.
Harman.	Terrell
Harrison	of Cherokee.
of El Paso.	Terrell
Hefley.	of Val Verde.
Hill.	Turner.
Holder.	Vaughan.
Howsley.	Veatch.
Hubbard.	Wagstaff.
Hughes.	Walker.
Jackson.	Warwick.
Johnson	Westbrook.
of Dimmit.	Wiggs.
Johnson of Morris.	Young.

Nays—25.

Adams of Harris.	Cox of Lamar.
Adkins.	Dale.
Akin.	Davis.
Bounds.	Engelhard.
Brice.	Fisher.
Carpenter.	Giles.
Coombes.	Hanson.

Herzik.	Scott.	Albritton.	Jones of Atascosa.
Kennedy.	Shelton.	Alsup.	Justiss.
Lasseter.	Van Zandt.	Anderson.	Keller.
Ray.	West of Coryell.	Baker.	Kennedy.
Richardson.	Wyatt.	Bedford.	Lasseter.
Savage.		Bounds.	Lee.
	Absent.	Boyd.	Lemens.
Anderson.	Kayton.	Bradley.	Leonard.
Barron.	Laird.	Brice.	Lilley.
Bond.	Lee.	Brooks.	Lockhart.
Caven.	Leonard.	Bryant.	Long.
Dowell.	McCombs.	Burns	McDougald.
Dunlap.	Martin.	of McCulloch.	McGill.
Duvall.	Metcalfe.	Carpenter.	McGregor.
Finn.	Munson.	Claunch.	Magee.
Hardy.	Nicholson.	Coltrin.	Mathis.
Harrison	Pope.	Coombes.	Mehl.
of Waller.	Reader.	Cox of Lamar.	Moffett.
Hatchitt.	Stephens.	Cox of Limestone.	Murphy.
Hines.	Stevenson.	Cunningham.	Nicholson.
Holland.	Sullivan.	Dale.	Olsen.
Hoskins.	Tarwater.	Daniel.	O'Quinn.
Johnson	Weinert.	Davis.	Patterson.
of Dallam.	West of Cameron.	DeWolfe.	Petsch.
		Donnell.	Ramsey.
		Dowell.	Ratliff.
	Absent—Excused.	Dwyer.	Ray.
Burns of Walker.	Morse.	Elliott.	Richardson.
Dodd.	Satterwhite.	Engelhard.	Rogers.
Fuchs.	Towery.	Farmer.	Rountree.
Holloway.		Farrar.	Sanders.
		Ferguson.	Savage.
		Fisher.	Scott.
		Forbes.	Shelton.
		Ford.	Sherrill.
		Gilbert.	Smith of Bastrop.
		Giles.	Smith of Wood.
		Goodman.	Sparkman.
		Graves.	Stephens.
		Greathouse.	Stevenson.
		Grogan.	Steward.
		Hanson.	Strong.
		Harman.	Tarwater.
		Hefley.	Terrell
		Herzik.	of Val Verde.
		Hill.	Turner.
		Holder.	Van Zandt.
		Hoskins.	Vaughan.
		Howsley.	Veatch.
		Hubbard.	Wagstaff.
		Hughes.	Walker.
		Jackson.	Warwick.
		Johnson	West of Coryell.
		of Dallam.	Westbrook.
		Johnson	Wiggs.
		of Dimmit.	Wyatt.
		Johnson of Morris.	Young.
		Jones of Shelby.	
			Absent.
		Akin.	Duvall.
		Barron.	Finn.
		Beck.	Hardy.
		Bond.	Harrison
		Caven.	of El Paso.
		Dunlap.	

Question then recurring on the (committee) amendment by Mr. Hubbard, it was adopted.

Mr. Hubbard offered the following amendment to the bill:

Amend House bill No. 536 by striking out all above the enacting clause and substitute in lieu thereof the following:

"A bill to be entitled 'An Act to amend Articles 7065a, 7065e, 7065f, 7065h, 7905j, and 7065k of, and to repeal Article 7065 of, Section 17, Chapter 88, Acts of the Second Called Session of the Forty-first Legislature, and declaring an emergency.'"

The amendment was adopted.

House bill No. 536 was then passed to engrossment.

HOUSE BILL NO. 536 ON THIRD READING.

Mr. Hubbard moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 536 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—115.

Adams of Harris. Adamson.
Adams of Jasper. Adkins.

Harrison	Moore.
of Waller.	Munson.
Hatchitt.	Pope.
Hines.	Reader.
Holland.	Sullivan.
Kayton.	Terrell
Laird.	of Cherokee.
McCombs.	Weinert.
Martin.	West of Cameron.
Metcalfe.	

Absent—Excused.

Burns of Walker.	Morse.
Dodd.	Satterwhite.
Fuchs.	Towery.
Holloway.	

The Speaker then laid House bill No. 536 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—117.

Adams of Harris.	Greathouse.
Adams of Jasper.	Grogan.
Adamson.	Hanson.
Adkins.	Hardy.
Albritton.	Harman.
Alsup.	Harrison
Anderson.	of El Paso.
Baker.	Herzik.
Beck.	Hill.
Bedford.	Holder.
Bounds.	Hoskins.
Boyd.	Howsley.
Bradley.	Hubbard.
Brooks.	Hughes.
Bryant.	Jackson.
Burns	Johnson
of McCulloch.	of Dallam.
Carpenter.	Johnson
Claunch.	of Dimmit.
Coltrin.	Johnson of Morris.
Coombes.	Jones of Shelby.
Cox of Lamar.	Jones of Atascosa.
Cox of Limestone.	Justiss.
Cunningham.	Keller.
Dale.	Kennedy.
Daniel.	Laird.
Davis.	Lasseter.
DeWolfe.	Lee.
Donnell.	Lemens.
Dowell.	Leonard.
Elliott.	Lilley.
Engelhard.	Lockhart.
Farmer.	Long.
Farrar.	McCombs.
Ferguson.	McGill.
Fisher.	McGregor.
Forbes.	Magee.
Ford.	Mathis.
Gilbert.	Mehl.
Giles.	Metcalfe.
Goodman.	Moffett.

Moore.	Sparkman.
Murphy.	Stephens.
Nicholson.	Stevenson.
Olsen.	Steward.
O'Quinn.	Strong.
Patterson.	Tarwater.
Petsch.	Terrell
Pope.	of Cherokee.
Ratliff.	Turner.
Ray.	Van Zandt.
Richardson.	Vaughan.
Rogers.	Veatch.
Rountree.	Wagstaff.
Sanders.	Walker.
Savage.	Warwick.
Scott.	West of Coryell.
Shelton.	Westbrook.
Sherrill.	Wiggs.
Smith of Bastrop.	Wyatt.
Smith of Wood.	Young.

Absent.

Akin.	Hines.
Barron.	Holland.
Bond.	Kayton.
Brice.	McDougald.
Caven.	Martin.
Dunlap.	Munson.
Duvall.	Ramsey.
Dwyer.	Reader.
Finn.	Sullivant.
Graves.	Terrell
Harrison	of Val Verde.
of Waller.	Weinert.
Hatchitt.	West of Cameron.
Hefley.	

Absent—Excused.

Burns of Walker.	Morse.
Dodd.	Satterwhite.
Fuchs.	Towery.
Holloway.	

HOUSE BILL NO. 268 ON SECOND READING.

On motion of Mr. Steward, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 268, A bill to be entitled "An Act regulating and controlling representation in legislative matters in the practice of influencing legislation by personal contact; prescribing limitations of such activities, outlining procedure for same, and prescribing penalties for a violation thereof, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Johnson of Dimmit offered the following (committee) amendment to the bill:

Amend Section 2 by striking out the words "and the amount paid by each, including all disbursements paid, incurred or promised to counsel or agent."

The amendment was adopted.

Mr. Johnson of Dimmit offered the following amendment to the bill:

Amend House bill No. 268, Section 2, page 3, by striking out all of line 10 after the word "thereof" and all of line 11 and all of line 12 down to and including the word "session."

The amendment was adopted.

Mr. Johnson of Dimmit offered the following amendment to the bill:

Amend Section 2 by adding the words "in person or by letter or telegram" and the word "writing" in line 8, Section 2.

The amendment was adopted.

Mr. Johnson of Dimmit offered the following amendment to the bill:

Amend caption just before the words "and declaring an emergency" by inserting therein "and repealing Articles 179, 180, 182 and 183 of the Penal Code of the State of Texas of 1925."

The amendment was adopted.

Mr. Harrison of El Paso offered the following amendment to the bill:

Amend House bill No. 268 by striking out the words "or in Travis county" appearing in the last sentence of Section 4, page 4.

The amendment was lost.

Mr. Harrison of El Paso offered the following amendment to the bill:

Amend House bill No. 268 by striking out all that portion of Section 2 beginning on line 34, page 2, printed bill, with the words "no person," and ending on line 3, page 3, printed bill, with the words "this section."

HARRISON of El Paso,
WALKER.

The amendment was lost.

(Mr. Young in the chair.)

Mr. Vaughan offered the following amendment to the bill:

Amend House bill No. 268, page 1, line 23, by adding the word "corruptly" between the words "to" and "influence" in said line.

The amendment was adopted.

Mr. Anderson offered the following amendment to the bill:

Amend House bill No. 268, page 4, by adding between lines 14 and 15 the following:

"No member of a State commission or bureau, whether he be appointed or elected, or any member of the House of Representatives or Senate of the State of Texas, or any other elective State official, shall act in the capacity of a paid lobbyist for or against any measure pending before the Legislature of this State for a period of two years after he shall have relinquished such public office."

The amendment was adopted.

(Speaker in the chair.)

Mr. Johnson of Dimmit moved to reconsider the vote by which the amendment by Mr. Anderson was adopted.

Mr. Anderson moved to table the motion to reconsider.

The motion to table was lost.

Question then recurring on the motion to reconsider the vote by which the amendment was adopted, yeas and nays were demanded:

The motion to reconsider prevailed by the following vote:

Yeas—83.

Adkins.	Hubbard.
Akin.	Hughes.
Albritton.	Jackson.
Alsup.	Johnson
Beck.	of Dallam.
Bedford.	Johnson
Bounds.	of Dimmit.
Boyd.	Johnson of Morris.
Brice.	Jones of Shelby.
Brooks.	Jones of Atascosa.
Bryant.	Justiss.
Caven.	Laird.
Claunch.	Lasseter.
Coltrin.	Lee.
Cunningham.	Lemens.
Dale.	Leonard.
Daniel.	Lilley.
DeWolfe.	Long.
Dowell.	McGill.
Farrar.	McGregor.
Ferguson.	Magee.
Forbes.	Mehl.
Ford.	Metcalfe.
Gilbert.	Murphy.
Graves.	Olsen.
Grogan.	O'Quinn.
Hanson.	Petsch.
Hardy.	Ratliff.
Harrison	Reader.
of Waller.	Richardson.
Herzik.	Rogers.
Hill.	Rountree.
Hines.	Sanders.
Holland.	Shelton.
Hoskins.	Sherrill.
Howsley.	Smith of Bastrop.

Smith of Wood.	Wagstaff.
Sparkman.	Walker.
Steward.	West of Coryell.
Strong.	West of Cameron.
Tarwater.	Westbrook.
Terrell	Wiggs.
of Val Verde.	Young.
Vaughan.	

Nays—36.

Adams of Harris.	Hatchitt.
Adams of Jasper.	Hefley.
Adamson.	Keller.
Anderson.	Kennedy.
Baker.	McCombs.
Carpenter.	McDougald.
Davis.	Mathis.
Donnell.	Moffett.
Duvall.	Nicholson.
Dwyer.	Patterson.
Elliott.	Pope.
Engelhard.	Ramsey.
Farmer.	Scott.
Fisher.	Stephens.
Goodman.	Stevenson.
Greathouse.	Terrell
Harman.	of Cherokee.
Harrison	Turner.
of El Paso.	Veatch.

Present—Not Voting.

Coombes.

Absent.

Barron.	Lockhart.
Bond.	Martin.
Bradley.	Moore.
Burns	Munson.
of McCulloch.	Ray.
Cox of Lamar.	Savage.
Cox of Limestone.	Sullivant.
Dunlap.	Van Zandt.
Finn.	Warwick.
Giles.	Weinert.
Holder.	Wyatt.
Kayton.	

Absent—Excused.

Burns of Walker.	Morse.
Dodd.	Satterwhite.
Fuchs.	Towery.
Holloway.	

Mr. Graves offered the following amendment to the amendment:

Amend House bill No. 268 and amend the Anderson amendment by striking out all after the word "State" in the last five lines thereof, thus eliminating the words "for a period of two years after he shall have relinquished such public office."

Question recurring on the amendment to the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—91.

Adams of Jasper.	Johnson of Morris.
Adamson.	Jones of Shelby.
Adkins.	Justiss.
Akin.	Laird.
Albritton.	Lasseter.
Alsup.	Lee.
Bedford.	Lemens.
Bounds.	Leonard.
Boyd.	Lilley.
Bradley.	Lockhart.
Brice.	Long.
Brooks.	McDougald.
Bryant.	McGill.
Burns	Magee.
of McCulloch.	Mehl.
Caven.	Metcalfe.
Claunch.	Moffett.
Coltrin.	Murphy.
Dale.	Olsen.
Daniel.	Petsch.
DeWolfe.	Ramsey.
Dowell.	Ratliff.
Duvall.	Ray.
Farrar.	Richardson.
Ferguson.	Rogers.
Fisher.	Rountree.
Forbes.	Sanders.
Ford.	Shelton.
Gilbert.	Sherrill.
Giles.	Smith of Bastrop.
Grogan.	Smith of Wood.
Hanson.	Sparkman.
Hardy.	Stephens.
Harrison	Steward.
of Waller.	Strong.
Hefley.	Sullivant.
Herzik.	Tarwater.
Hill.	Terrell
Hines.	of Val Verde.
Holder.	Veatch.
Holland.	Wagstaff.
Hoskins.	Walker.
Howsley.	West of Coryell.
Hubbard.	Westbrook.
Jackson.	Wiggs.
Johnson	Wyatt.
of Dallam.	Young.
Johnson	
of Dimmit.	

Nays—23.

Adams of Harris.	Hatchitt.
Anderson.	Harman.
Baker.	Hughes.
Carpenter.	Jones of Atascosa.
Donnell.	Kennedy.
Dwyer.	McCombs.
Engelhard.	Mathis.
Farmer.	Nicholson.
Goodman.	O'Quinn.
Greathouse.	Scott.

Terrell
of Cherokee. Vaughan.
West of Cameron.

Present—Not Voting.

Coombes.

Absent.

Barron.	Keller.
Beck.	McGregor.
Bond.	Martin.
Cox of Lamar.	Moore.
Cox of Limestone.	Munson.
Cunningham.	Patterson.
Davis.	Pope.
Dunlap.	Reader.
Elliott.	Savage.
Finn.	Stevenson.
Graves.	Turner.
Harrison	Van Zandt.
of El Paso.	Warwick.
Kayton.	Weinert.

Absent—Excused.

Burns of Walker.	Morse.
Dodd.	Satterwhite.
Fuchs.	Towery.
Holloway.	

Question—Shall the amendment as amended be adopted.

RECALLING SENATE BILL NO. 371 FOR FURTHER CONSID- ERATION.

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 31. Recalling Senate bill No. 371 for further consideration.

Whereas, Senate bill No. 371 has been passed by the Senate and House of Representatives and sent to the Governor; and

Whereas, It is the opinion of many members of both houses that the caption may be defective and should be cured by making it conform to the body of the act. Therefore, be it

Resolved, by the Senate of Texas, the House of Representatives concurring, That Senate bill No. 371 be returned by the Governor for the purpose of so amending, and that the Lieutenant Governor and Speaker of the House of Representatives be authorized to erase their names from the bill, and that said bill may be reconsidered by both houses for the purpose of making said changes.

The resolution was read second time, and was adopted.

BILLS SIGNED BY THE SPEAKER.

The Speaker signed in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

S. B. No. 54, "An Act amending Articles 921 and 922 of the Code of Criminal Procedure of the State of Texas, relating to the method of determining the issue of insanity after a defendant has been convicted of crime, and declaring an emergency."

H. B. No. 725, "An Act authorizing any navigation district organized or hereafter to be organized under any of the provisions of the Constitution or laws of this State, created for the development of deep water navigation, having within its limits a city now operating under special charter originally granted by the Legislature and having between 27,000 and 28,000 inhabitants, as shown by the last Federal census; to borrow money and to mortgage and encumber any part or all of its properties and facilities and the franchise and revenues and income from the operation thereof and everything pertaining thereto, etc., and declaring an emergency."

H. B. No. 820, "An Act to provide that counties having a population of not less than 325,700 and not more than 325,900 shall have the authority to establish, own and operate a parental home and school for the care and training of dependent and delinquent youth, providing for defraying the expenses thereof, the administration of said home, providing for the commitment of individuals, validating bonds issued for such purpose, and declaring an emergency."

H. B. No. 683, "An Act to provide that the State Highway Commission shall be authorized to require that all contracts for the construction, maintenance and improvement of any designated State highway shall contain a provision that no person will be employed by the contractor to perform manual labor in the course of such work at a wage of less than thirty cents per hour; fixing penalties, and providing for the enforcement of such contract, and declaring an emergency."

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, April 13, 1931.
Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to
inform the House that the Senate has
adopted

S. C. R. No. 31, Requesting the re-
turn of Senate bill No. 371 from the
Governor's office for further consid-
eration.

Respectfully,
BOB BARKER,
Secretary of the Senate.

HOUSE JOINT RESOLUTION NO.
25 ON THIRD READING.

The Speaker laid before the House,
as a special order for this hour,

H. J. R. No. 25, Proposing an
amendment to the Constitution of the
State of Texas by adding to Article
IX thereof a new section to be num-
bered 3, so as to authorize any coun-
ty having more than 150,000 popu-
lation to adopt a home rule charter
for the establishment and regulation
of its government, which may pro-
vide that the commissioners court of
such counties may serve as the gov-
erning body, or that some other body
shall act in lieu thereof, and said
charter may also provide that the
county judge, justices of the peace,
district and county attorneys and
other officers in said counties may be
compensated by salary instead of
fees of office, and declaring an emer-
gency."

The resolution having heretofore
been read third time, with amend-
ment by Mr. Duvall pending.

Question recurring on the amend-
ment by Mr. Duvall, it was adopted.

Mr. Sherrill offered the following
amendment to the resolution:

Amend House joint resolution No.
25 by striking out all after the word
"county" in line 25, page 2, and in-
serting the following:

"Provided, however, that hereafter
such a charter may be authorized in
any other county by a vote of two-
thirds ($\frac{2}{3}$) of all the members elected
to each House of the Legislature, if
notice of the intention to apply there-
for shall have been published in the
county to be affected for at least
thirty (30) days prior to the introduc-
tion into the Legislature of a bill to
authorize the adoption of such a char-
ter, and in a manner to be provided
by law; and provided that such char-

ter may be adopted only by a vote in
the county so affected; and provided,
further, that when any county of
whatever population shall vote upon
the adoption of a charter the votes
cast within the incorporated cities
and towns shall be counted separately
from those cast without such cities
and towns, and unless there is a fa-
voring majority vote both within and
without such collective cities and
towns, the charter shall not be
adopted."

SHERRILL,
LAIRD,
HEFLEY.

The amendment was adopted.

Mr. Farmer offered the following
amendment to the resolution:

Amend House joint resolution No.
25 by striking out paragraph "c" of
subsection "2" on page 3, and strike
out subsection "6" on page 6.

The amendment was lost by the
following vote:

Yeas—21.

Akin.	Jones of Shelby.
Alsop.	Kennedy.
Anderson.	Lemens.
Baker.	Magee.
Coltrin.	Ramsey.
Daniel.	Ray.
Dwyer.	Rogers.
Farmer.	Stephens.
Fisher.	Terrell of Cherokee.
Greathouse.	Veatch.
Hanson.	

Nays—89.

Adams of Harris.	Elliott.
Adams of Jasper.	Engelhard.
Adamson.	Forbes.
Adkins.	Ford.
Barron.	Giles.
Beck.	Goodman.
Bedford.	Grogan.
Bounds.	Hatchitt.
Boyd.	Harman.
Bryant.	Harrison
Burns	of El Paso.
of McCulloch.	Harrison
Carpenter.	of Waller.
Caven.	Herzik.
Claunch.	Hill.
Coombes.	Hines.
Cox of Lamar.	Hoskins.
Cunningham.	Howsley.
Dale.	Hubbard.
Davis.	Hughes.
DeWolfe.	Jackson.
Donnell.	Johnson
Dowell.	of Dallam.
Dunlap.	Johnson
Duvall.	of Dimmit.

Johnson of Morris.	Reader.
Jones of Atascosa.	Richardson.
Justiss.	Sanders.
Keller.	Savage.
Lasseter.	Scott.
Lee.	Shelton.
Leonard.	Sherrill.
Lilley.	Smith of Bastrop.
Lockhart.	Smith of Wood.
McCombs.	Steward.
McDougald.	Sullivant.
McGill.	Tarwater.
McGregor.	Turner.
Metcalfe.	Van Zandt.
Moffett.	Wagstaff.
Murphy.	Walker.
Nicholson.	Warwick.
Olsen.	West of Coryell.
Patterson.	West of Cameron.
Petsch.	Westbrook.
Pope.	Wyatt.
Ratliff.	Young.

Present—Not Voting.

Cox of Limestone. Farrar.

Absent.

Albritton.	Martin.
Bond.	Mathis.
Bradley.	Mehl.
Brice.	Moore.
Brooks.	Munson.
Ferguson.	O'Quinn.
Finn.	Rountree.
Gilbert.	Sparkman.
Graves.	Stevenson.
Hardy.	Strong.
Hefley.	Terrell
Holder.	of Val Verde.
Holland.	Vaughan.
Kayton.	Weinert.
Laird.	Wiggs.
Long.	

Absent—Excused.

Burns of Walker.	Morse.
Dodd.	Satterwhite.
Fuchs.	Towery.
Holloway.	

BILLS SIGNED BY THE
SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

H. B. No. 59, "An Act to amend Chapter 64 of the Acts of the Regular Session of the Thirty-fifth Legislature, page 123; relating to the salary of district attorneys, and amending Chapter 55 of the Acts of the Regular Session of the Thirty-fifth Legislature, page 94, relating to the appointment and compensation of as-

sistants to district attorneys, and amending Article 1021 of the Code of Criminal Procedure of Texas relating to the per diem of district attorneys in all judicial districts composed of two or more counties, and limiting the per diem to 230 days in any one year, etc., and declaring an emergency."

H. B. No. 463, "An Act to authorize the Commissioner of the General Land Office to accept and award all applications for the repurchase of public school land in Dallam county forfeited and reappraised under Chapter 94, an act approved March 19, 1925, and as amended by Chapter 25, an act approved October 27, 1926, for which application or the first payment therefor were filed in the Land Office after the expiration of the time allowed by law for the filing thereof, but for which applications and the first payment were so filed; such acceptance and award to be subject to existing rights of any third party who may have filed oil and gas applications thereon, and declaring an emergency."

H. B. No. 610, "An Act regulating the taking of fish in Dimmit, Zavala, Medina, Uvalde, DeWitt, Brown, Hamilton, Coryell, Gonzales, Lamar, Bell, Collin, Grayson, Gillespie, Kendall, Blanco, Llano, Mason, McCulloch, San Saba, Cooke, Denton, Menard, Kimble, Jefferson, Orange, Mitchell, Fisher, Nolan, Chambers, Travis, Hardin, Lampasas, Fannin, Burnet and Williamson counties; permitting the taking or catching of suckers, buffalo, carp, shad or gar in any of the fresh waters in the above counties during the months of July, August, September and October with any seine or net of mesh of not less than one inch square; permitting the taking of suckers, buffalo, carp, shad or gar at any time of the year in any of the fresh waters in any of these counties by the use of wire rope, grab hooks or gig, etc., and declaring an emergency."

SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate bill No. 123, to the Committee on Criminal Jurisprudence.

Senate bill No. 246, to the Committee on Appropriations.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, April 13, 1931.
Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: I am directed by the Senate
to inform the House that the Senate
has adopted.

S. C. R. No. 30, Relating to the
use of cotton instead of jute.

The Senate has passed

S. B. No. 246, A bill to be entitled
"An Act making appropriations to
pay the salaries of officers and em-
ployes of certain eleemosynary insti-
tutions of the State and other ex-
penses of maintaining and conducting
them for the fiscal years beginning
September 1, 1931, and ending Au-
gust 31, 1933, as follows, to-wit:
Abilene State Hospital, Austin State
School, Austin State Hospital, Con-
federate Home, Confederate Woman's
Home, Dallas State Hospital, Deaf,
Dumb and Blind Institute for Colored
Youths, Girls Training School, Home
for Dependent and Neglected Chil-
dren, State Hospital for Crippled and
Deformed Children at Galveston,
State Juvenile Training School, State
Orphan Home, Rusk State Hospital,
San Antonio State Hospital, Galves-
ton State Psychopathic Hospital, Ter-
rell State Hospital, State Tubercu-
losis Sanatorium, Wichita Falls State
Hospital, Colored Orphans' Home at
Gilmer, Alabama and Coushatti In-
dians in Polk county, Texas, and de-
claring an emergency."

S. B. No. 123, A bill to be entitled
"An Act providing that a prosecution
for the unlawful sale or delivery of
intoxicating liquor may be had either
in the county wherein the sale or
delivery is made, or in any county
through or into which the intoxicat-
ing liquor is carried; providing that
in all cases the indictment or any pro-
ceeding in the case may allege that
the offense was committed in the
county where the prosecution is car-
ried on; and providing for the man-
ner of proving venue, and declaring
an emergency."

Respectfully,
BOB BARKER,
Secretary of the Senate.

RECESS.

On motion of Mr. DeWolfe, the
House, at 12 o'clock m., took recess
to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m.,
and was called to order by the
Speaker.

HOUSE JOINT RESOLUTION NO.
25 ON THIRD READING.

The House resumed consideration
of pending business, same being
House joint resolution No. 25, rela-
tive to adopting home rule govern-
ment in certain counties, the resolu-
tion having heretofore been read sec-
ond time.

Mr. Farmer offered the following
amendment to the resolution:

Amend House joint resolution No.
25 by striking out line 25, page 3,
beginning with the word "make," and
all of lines 26 and 27 on page 3.

The amendment was lost.

Mr. Harman offered the following
amendment to the resolution:

Amend House joint resolution No.
25, Section 1, page 2, line 34, by
striking out the word "six" and in-
sert in lieu thereof the word "four."

The amendment was adopted.

Mr. Bond moved a call of the House
for the purpose of maintaining a quo-
rum pending consideration of House
joint resolution No. 25, and the call
was duly ordered.

The Speaker then directed the
Doorkeeper to close the main entrance
to the Hall and instructed the Ser-
geant-at-Arms to lock all other doors
leading from the Hall, and stated that
no member would be permitted to
leave the Hall without written per-
mission from the Speaker.

On motion of Mr. Reader, the Ser-
geant-at-Arms was instructed to bring
in all absent members within the city
who are not ill.

Mr. Tarwater moved the previous
question on the resolution, and the
main question was ordered.

Mr. Scott moved to reconsider the
vote by which the previous question
was ordered.

The motion to reconsider prevailed.

Question recurring on the motion
for the main question, it was lost.

(Pending consideration of the reso-
lution, Mr. Metcalfe occupied the chair
temporarily.)

(Speaker in the chair.)

Mr. McCombs moved the previous
question on the pending resolution,
and the main question was ordered.

House joint resolution No. 25 was then passed by the following vote:

Yeas—104.

Mr. Speaker.	Jones of Shelby.
Adams of Harris.	Jones of Atascosa.
Adamson.	Keller.
Adkins.	Laird.
Alsup.	Lee.
Barron.	Lemens.
Beck.	Leonard.
Bedford.	Lilley.
Bond.	Lockhart.
Bounds.	McCombs.
Boyd.	McDougald.
Bradley.	McGill.
Brice.	McGregor.
Bryant.	Mathis.
Burns	Mehl.
of McCulloch.	Metcalfe.
Carpenter.	Moffett.
Caven.	Moore.
Claunch.	Murphy.
Coltrin.	Nicholson.
Coombes.	Olsen.
Cox of Lamar.	O'Quinn.
Cunningham.	Patterson.
Davis.	Petsch.
DeWolfe.	Pope.
Donnell.	Ratliff.
Dowell.	Reader.
Dunlap.	Richardson.
Duvall.	Rountree.
Engelhard.	Sanders.
Fisher.	Savage.
Forbes.	Scott.
Ford.	Shelton.
Gilbert.	Sherrill.
Giles.	Smith of Bastrop.
Graves.	Smith of Wood.
Grogan.	Sparkman.
Hardy.	Stephens.
Harrison	Steward.
of El Paso.	Strong.
Harrison	Sullivan.
of Waller.	Terrell
Hatchitt.	of Val Verde.
Hill.	Turner.
Holder.	Van Zandt.
Holland.	Wagstaff.
Hoskins.	Walker.
Howsley.	Warwick.
Hubbard.	Weinert.
Hughes.	West of Coryell.
Jackson.	West of Cameron.
Johnson	Westbrook.
of Dallam.	Wiggs.
Johnson	Wyatt.
of Dimmit.	Young.

Nays—24.

Adams of Jasper.	Daniel.
Akin.	Dwyer.
Baker.	Elliott.
Brooks.	Farmer.
Dale.	Goodman.

Greathouse.	Ramsey.
Hanson.	Ray.
Harman.	Rogers.
Johnson of Morris.	Terrell
Justiss.	of Cherokee.
Lasseter.	Vaughan.
Long.	Veatch.
Magee.	

Present—Not Voting.

Albritton.	Hines.
Anderson.	Kayton.
Cox of Limestone.	Tarwater.
Farrar.	

Absent.

Ferguson.	Kennedy.
Finn.	Martin.
Hefley.	Munson.
Herzik.	Stevenson.

Absent—Excused.

Burns of Walker.	Morse.
Dodd.	Satterwhite.
Fuchs.	Towery.
Holloway.	

Reasons for Vote.

I vote "yea" on the Beck amendment in place of Representative Emmett Morse, who is sick in a hospital in Austin.

I am opposed to this resolution, but knowing that only affirmative votes finally count in this matter, in order to favor Mr. Morse, who ought not to arise from his bed at this time, but who will do so unless he can get an affirmative vote for his measure, I have agreed to give him my vote. However, I expect to oppose his amendment if such be submitted to the people of this State.

GRAVES.

I am personally opposed to House joint resolution No. 25, but in as much as it is a constitutional amendment, and there seems to be some sentiment among the people favorable to it, I believe that we cannot consistently refuse to vote for its submission and give the voters a chance to pass upon the question.

BARRON.

RESOLUTION SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following enrolled resolution:

S. C. R. No. 31, Recalling Senate bill No. 371 from the Governor.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, April 13, 1931.

Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to
inform the House that the Senate has
passed

S. B. No. 567, A bill to be entitled
"An Act defining primary and sec-
ondary highways; designating high-
ways so defined, directing the State
Highway Commission to complete
construction of said designated high-
ways in their order; limiting the des-
ignation of primary and secondary
highways, and declaring an emer-
gency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

SPECIAL ORDER SET.

Mr. Hubbard moved that Senate
joint resolution No. 2 be set as a spe-
cial order for 9:30 o'clock a. m., next
Wednesday.

The motion prevailed.

Mr. Hubbard then moved that the
Speaker of the House be instructed to
wire all members absent today and
tomorrow to be present Wednesday
morning, April 15, at 9:30 o'clock,
as their presence is needed in the
House, in order that full and prompt
consideration may be given Senate
joint resolution No. 2.

The motion prevailed.

BILL RECOMMITTED.

On motion of Mr. Adkins (by unan-
imous consent), Senate bill No. 585
was recommitted to the Committee
on State Affairs.

HOUSE BILL NO. 268 ON PAS-
SAGE TO ENGROSSMENT.

The House resumed consideration of
pending business, same being House
bill No. 268, relating to regulating and
controlling representation in legisla-
tive matters, the bill having hereto-
fore been read second time, with
amendment by Mr. Anderson pending.

On motion of Mr. Johnson of Dim-
mit, the pending amendment was ta-
bled.

Mr. Mathis offered the following
amendment to the bill:

Amend the bill by striking out the
enacting clause.

(Pending consideration of the
amendment, Mr. McGill occupied the
chair temporarily.)

(Speaker in the chair.)

Mr. Kennedy moved the previous
question on the pending amendment
and the bill, and the main question
was ordered.

Question first recurring on the
amendment by Mr. Mathis, yeas and
nays were demanded.

The roll of the House was called,
and the vote announced as follows:
yeas 61, nays 65.

Mr. Pope called for a verification
of the vote.

The roll of the yeas and nays was
then called, and the verified vote stood
as follows:

Yeas—61.

Adams of Harris.	Hefley.
Adams of Jasper.	Hines.
Adkins.	Holland.
Albritton.	Hughes.
Baker.	Jackson.
Beck.	Justiss.
Bond.	Kayton.
Brooks.	Keller.
Carpenter.	Lilley.
Caven.	McCombs.
Claunch.	McDougald.
Coombes.	McGregor.
Cox of Lamar.	Mathis.
Cox of Limestone.	Moore.
Dale.	Nicholson.
Davis.	O'Quinn.
Donnell.	Pope.
Duvall.	Ramsey.
Dwyer.	Ratliff.
Elliott.	Richardson.
Engelhard.	Rogers.
Farrar.	Scott.
Ferguson.	Sherrill.
Gilbert.	Sparkman.
Goodman.	Stevenson.
Greathouse.	Turner.
Grogan.	Veatch.
Harman.	Walker.
Harrison	Weinert.
of El Paso.	West of Cameron.
Harrison	Wyatt.
of Waller.	

Nays—64.

Mr. Speaker.	Brice.
Adamson.	Bryant.
Akin.	Burns
Alsup.	of McCulloch.
Anderson.	Coltrin.
Barron.	Daniel.
Bedford.	DeWolfe.
Bounds.	Dowell.
Boyd.	Farmer.
Bradley.	Fisher.

Forbes.	Magee.
Ford.	Metcalf.
Giles.	Murphy.
Graves.	Olsen.
Hanson.	Petsch.
Hardy.	Ray.
Hatchitt.	Rountree.
Hill.	Savage.
Holder.	Smith of Bastrop.
Hoskins.	Smith of Wood.
Howsley.	Stephens.
Hubbard.	Steward.
Johnson	Strong.
of Dimmit.	Sullivant.
Johnson of Morris.	Tarwater.
Jones of Shelby.	Terrell
Jones of Atascosa.	of Cherokee.
Kennedy.	Van Zandt.
Laird.	Vaughan.
Lee.	Wagstaff.
Lemens.	West of Coryell.
Lockhart.	Westbrook.
Long.	Young.
McGill.	

Absent.

Cunningham.	Moffett.
Dunlap.	Munson.
Finn.	Patterson.
Herzik.	Reader.
Johnson	Sanders.
of Dallam.	Shelton.
Lasseter.	Terrell
Leonard.	of Val Verde.
Martin.	Warwick.
Mehl.	Wiggs.

Absent—Excused.

Burns of Walker.	Morse.
Dodd.	Satterwhite.
Fuchs.	Towery.
Holloway.	

The Speaker announced that the Amendment by Mr. Mathis was lost. House bill No. 268 then failed to pass to engrossment by the following vote:

Yeas—60.

Adamson.	Forbes.
Akin.	Ford.
Alsup.	Giles.
Barron.	Graves.
Bedford.	Hanson.
Boyd.	Hatchitt.
Bradley.	Hill.
Brice.	Holder.
Bryant.	Hoskins.
Burns	Howsley.
of McCulloch.	Hubbard.
Coltrin.	Johnson
Daniel.	of Dimmit.
DeWolfe.	Johnson of Morris.
Dowell.	Jones of Shelby.
Farmer.	Kennedy.
Fisher.	Laird.

Lee.	Smith of Wood.
Lemens.	Sparkman.
Lockhart.	Stephens.
Long.	Steward.
McGill.	Strong.
Magee.	Sullivant.
Metcalf.	Tarwater.
Olsen.	Terrell
Petsch.	of Cherokee.
Ray.	Van Zandt.
Reader.	Veatch.
Rountree.	Wagstaff.
Sanders.	West of Coryell.
Savage.	Young.
Smith of Bastrop.	

Nays—70.

Adams of Harris.	Hines.
Adams of Jasper.	Holland.
Adkins.	Hughes.
Albritton.	Jackson.
Anderson.	Jones of Atascosa.
Baker.	Justiss.
Beck.	Kayton.
Bond.	Keller.
Brooks.	Lilley.
Carpenter.	McCombs.
Caven.	McDougald.
Claunch.	McGregor.
Coombes.	Mathis.
Cox of Lamar.	Moffett.
Cox of Limestone.	Moore.
Cunningham.	Murphy.
Dale.	Nicholson.
Davis.	O'Quinn.
Donnell.	Pope.
Dunlap.	Ramsey.
Duvall.	Ratliff.
Dwyer.	Richardson.
Elliott.	Rogers.
Engelhard.	Scott.
Farrar.	Sherrill.
Ferguson.	Stevenson.
Gilbert.	Terrell
Goodman.	of Val Verde.
Greathouse.	Turner.
Grogan.	Vaughan.
Hardy.	Walker.
Harman.	Warwick.
Harrison	Weinert.
of El Paso.	West of Cameron.
Harrison	Westbrook.
of Waller.	Wyatt.
Hefley.	

Absent.

Bounds.	Martin.
Finn.	Mehl.
Herzik.	Munson.
Johnson	Patterson.
of Dallam.	Shelton.
Lasseter.	Wiggs.
Leonard.	

Absent—Excused.

Burns of Walker.	Dodd.
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Fuchs.
Holloway.
Morse.

Satterwhite. y
Towery.

Mr. McDougald moved to reconsider the vote by which the bill failed to pass to engrossment, and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—66.

Adams of Harris.	Hefley.
Adams of Jasper.	Hines.
Adamson.	Hughes.
Adkins.	Jackson.
Albritton.	Justiss.
Baker.	Kayton.
Beck.	Keller.
Bond.	Lilley.
Bryant.	McCombs.
Carpenter.	McDougald.
Caven.	McGregor.
Claunch.	Mathis.
Coombes.	Moore.
Cox of Lamar.	Murphy.
Cox of Limestone.	Nicholson.
Cunningham.	O'Quinn.
Dale.	Pope.
Davis.	Ramsey.
Donnell.	Reader.
Dwyer.	Rogers.
Elliott.	Scott.
Engelhard.	Sherrill.
Farrar.	Sparkman.
Ferguson.	Stevenson.
Fisher.	Terrell
Gilbert.	of Val Verde.
Goodman.	Turner.
Greathouse.	Van Zandt.
Grogan.	Veatch.
Hardy.	Walker.
Harman.	Weinert.
Harrison	West of Cameron.
of El Paso.	Westbrook.
Harrison	Wyatt.
of Waller.	

Nays—59.

Akin.	Forbes.
Alsup.	Ford.
Anderson.	Giles.
Barron.	Graves.
Bedford.	Hanson.
Boyd.	Hatchitt.
Bradley.	Hill.
Brice.	Holder.
Burns	Holland.
of McCulloch.	Hoskins.
Coltrin.	Howsley.
Daniel.	Hubbard.
Dowell.	Johnson
Farmer.	of Dimmit.

Johnson of Morris.	Rountree.
Jones of Shelby.	Sanders.
Kennedy.	Savage.
Laird.	Smith of Bastrop.
Lasseter.	Smith of Wood.
Lee.	Stephens.
Lemens.	Steward.
Lockhart.	Strong.
Long.	Sullivant.
McGill.	Tarwater.
Magee.	Terrell
Metcalf.	of Cherokee.
Olsen.	Vaughan.
Petsch.	Wagstaff.
Ratliff.	Warwick.
Ray.	West of Coryell.
Richardson.	Young.

Absent.

Bounds.	Jones of Atascosa.
Brooks.	Leonard.
DeWolfe.	Martin.
Dunlap.	Mehl.
Duvall.	Moffett.
Finn.	Munson.
Herzik.	Patterson.
Johnson	Shelton.
of Dallam.	Wiggs.

Absent—Excused.

Burns of Walker.	Morse.
Dodd.	Satterwhite.
Fuchs.	Towery.
Holloway.	

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, April 13, 1931.
Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 428, A bill to be entitled "An Act to amend Section 1 of Chapter 105, Acts of the First Called Session of the Forty-first Legislature, and declaring an emergency."

The Senate, by authority of Senate concurrent resolution No. 31, has received from the Governor's office, Senate bill No. 371, and the names of the officers of the Senate have been erased from said bill.

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 312 ON SECOND READING.

On motion of Mr. Ray, the regular order of business was suspended to take up and have placed on its second

reading and passage to engrossment.

H. B. No. 312, A bill to be entitled "An Act requiring the commissioners court of all counties and the governing bodies of all cities and towns to advertise for bids on projects respecting public improvements where the contract or agreement involves an expenditure of money in excess of one thousand dollars, and providing for advertisement and notice thereof, providing that the contract shall be let to the lowest bidder and requiring bond; permitting certain exceptions and providing that contracts made without compliance therewith shall be void, etc., and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate bill No. 428, to the Committee on Judiciary.

Senate bill No. 567, to the Committee on Highways and Motor Traffic.

COMMITTEE IN COMPLIANCE WITH SENATE CONCURRENT RESOLUTION NO. 23.

The Speaker announced the appointment of the following committee, in compliance with Senate concurrent resolution No. 23:

Messrs. Hardy, Lasseter, Howsley, McDougald and Johnson of Dimmit.

NOTICE GIVEN.

Mr. Wagstaff gave notice that he would, on next Tuesday, move to take up for consideration at that time, House bill No. 358, which bill had heretofore been laid on the table subject to call.

RECESS.

Mr. Hardy moved that the House adjourn until 9 o'clock a. m. tomorrow.

Mr. McCombs moved that the House recess to 7:30 p. m. today.

Mr. DeWolfe moved that the House recess to 9 o'clock a. m. tomorrow.

The motion of Mr. DeWolfe prevailed, and the House, accordingly, at 6 o'clock p. m., took recess to 9 o'clock a. m. tomorrow.

APPENDIX.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS.

Committee Room,

Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 849, A bill to be entitled "An Act changing certain fees charged by the constables to make them correspond to the fees charged by the sheriffs; providing for things necessary and incidental, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,

Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 966, A bill to be entitled "An Act providing for the attendance of the Attorney General of this State upon all hearings of the commissioners court when sitting as a board of equalization in any county of this State where the State has relinquished its ad valorem taxes to said county, either in whole or in part, for any purpose, etc., and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,

Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to who was referred

H. B. No. 850, A bill to be entitled "An Act permitting and authorizing constables in each justice precinct named and described to appoint deputy constables subject to the approval and confirmation of the commissioners court and providing that the constables desiring to have a deputy or deputies appointed shall submit written application to the commissioners court showing the necessity for having such deputy or deputies appointed to handle the business originating in

the precinct in which the constable was elected, etc., and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,

Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 98, A bill to be entitled "An Act to amend Article 2806, Revised Civil Statutes, 1925, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,

Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 625, A bill to be entitled "An Act defining trappers; requiring a license, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS.

Committee Room,

Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 683, "An Act to provide that the State Highway Commission shall be authorized to require that all contracts for the construction, maintenance and improvement of any designated State highway shall contain a provision that no person will be employed by the contractor to perform manual labor in the course of such work at a wage of less than thirty cents per hour; that citizens of the United States and of the county wherein the work is being proposed shall always be given preference in such employment; providing also that all other departments, bureaus, commissions and institutions of the State of Texas in all construction work of

every character requiring employment of day labor shall likewise be authorized and empowered to exercise the same authority herein conferred on the State Highway Commission; fixing penalties, and providing for the enforcement of such contract, and declaring an emergency."

Have carefully compared same and find it correctly enrolled.

COX of Lamar, Chairman.

Committee Room,

Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 820, "An Act to provide that counties having a population of not less than three hundred twenty-five thousand, seven hundred (325,700) and not more than three hundred twenty-five thousand, nine hundred (325,900), and containing a city of not less than two hundred sixty thousand (260,000) and not more than two hundred sixty-one thousand (261,000), according to the preceding Federal census, shall be jointly authorized with said city to establish, own and operate a parental home and school for the care and training of dependent and delinquent youth; providing for defraying the expenses thereof, the administration of said home; providing for the commitment of individuals; validating bonds issued for such purpose, and declaring an emergency."

Have carefully compared same and find it correctly enrolled.

COX of Lamar, Chairman.

Committee Room,

Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives:

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 725, "An Act authorizing any navigation district organized, or hereafter to be organized under any of the provisions of the Constitution or Laws of this State, created for the development of deep water navigation, which may now have, or may hereafter have, within the boundaries of such district, a city of not less than 27,000 nor more than 28,000 inhabitants, as shown by the Federal census last

preceding such action, to borrow money and to mortgage and encumber any part or all of its properties and facilities and the franchise and revenues and income from the operation thereof and everything pertaining thereto, to secure the payment of funds to purchase, build, improve, enlarge, extend or repair any of its wharves, docks, levees, bulkheads, canals, waterways and other aids to navigation, and to execute evidences of such indebtedness secured by said encumbrance, bearing interest at a rate of not to exceed six per cent (6%) and maturing not to exceed twenty (20) years from date; providing for a franchise in event of default, a trustee to enforce default; providing conditions of said encumbrance and obligations; providing for repurchase after default; providing for the management thereof during the term of said encumbrance; and further empowering any such district to borrow funds for current expenses and to issue warrants therefor; limiting the amount of said warrants and the rate of interest thereon, and the time of payment thereof, and declaring an emergency."

Have carefully compared same and find it correctly enrolled.

COX of Lamar, Chairman.

Committee Room,
Austin, Texas, April 13, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 463, "An Act to authorize the Commissioner of the General Land Office to accept and award all applications for the repurchase of public school land in Dallam county forfeited and reappraised under Chapter 94, an act approved March 19, 1925, and as amended by Chapter 25, an act approved October 27, 1926, for which applications or the first payment therefor were filed in the Land Office after the expiration of the time allowed by law for the filing thereof, but for which applications and the first payment were so filed; such acceptance and award to be subject to existing rights of any third party who may have filed oil and gas applications thereon, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

COX of Lamar, Chairman.

Committee Room,
Austin, Texas, April 13, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 59, "An Act fixing the compensation of district attorneys in districts of three counties of a certain population; providing for assistant district attorneys, investigators, stenographers and law enforcement funds, providing the means, method and manner of paying the same, and their powers and duties, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

COX of Lamar, Chairman.

Committee Room,
Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 610, "An Act regulating the taking of fish in Dimmit, Zavala, Medina, Uvalde, DeWitt, Brown, Gonzales, Hamilton, Coryell, Lamar, Bell, Collin, Grayson, Gillespie, Kendall, Blanco, Llano, Mason, McCulloch, San Saba, Cooke, Denton, Menard, Kimble, Jefferson, Orange, Mitchell, Fisher, Nolan, Mills, Comanche, Chambers, Travis, Hardin, Lampasas, Fannin, Burnet, Williamson and Parker counties; permitting the taking or catching of suckers, buffalo, carp, shad or gar in any of the fresh waters in the above counties during the months of July, August, September and October with any seine or net of mesh of not less than one inch square; permitting the taking of suckers, buffalo, carp, shad or gar at any time of the year in any of the fresh waters in any of these counties by use of wire rope, or gig; providing that all bass, crappie or white perch, catfish, perch, bream or trout taken with a seine or net or with wire rope, or gig in any of the fresh waters in these counties shall be immediately released in the waters where caught; making it unlawful to have in possession any bass, crappie or white perch, catfish, perch, bream or trout at the time that suckers, buffalo, carp, shad or gar are possessed or at the time a seine with a mesh of not less than one inch square, wire rope, or gig are being used in any of the counties; making it unlawful to sell any bass, crappie

or white perch, catfish, perch, bream or trout taken from any of the fresh waters of these counties; providing a penalty; repealing all laws and parts of laws in conflict, and declaring an emergency."

Have carefully compared same and find it correctly enrolled.

COX of Lamar, Chairman.

FORTY-FIRST DAY.

(Continued.)

(Tuesday, April 14, 1931.)

The House met at 9 o'clock a. m., and was called to order by Speaker Minor.

BILLS ORDERED NOT PRINTED.

On motion of Mr. Petsch (by unanimous consent), Senate bills Nos. 375 and 382 were ordered not printed.

HOUSE BILL NO. 312 ON SECOND READING.

The Speaker laid before the House, as pending business, on its passage to engrossment,

H. B. No. 312, A bill to be entitled "An Act requiring the commissioners court of all counties and the governing bodies of all cities and towns to advertise for bids on projects respecting public improvements where the contract or agreement involves an expenditure of money in excess of \$1000, and providing for advertisement and notice thereof; providing that the contract shall be let to the lowest bidder, and requiring bond; permitting certain exceptions, and providing that contracts made without compliance therewith shall be void, etc., and declaring an emergency."

The bill having heretofore been read second time.

Mr. Petsch offered the following (committee) amendment to the bill:

Amend House bill No. 312 by striking out all above and below the enacting clause and insert in lieu thereof the following:

H. B. No. 312, A bill to be entitled "An Act requiring commissioners courts and the governing bodies of cities and towns in this State to ad-

vertise for bids on projects respecting public improvements; providing for advertisement and notice thereof and the letting thereof to lowest responsible bidder, and requiring bond; regulating the issuance of warrants in payment therefor and providing for a referendum and election by the qualified property tax-paying voters when requested; providing for the funding of the existing indebtedness of counties and cities; repealing all laws in conflict herewith, and declaring an emergency."

Section 1. The word "city" as used in this act shall include all cities and towns incorporated under general or special law, and all cities operating under charter adopted under the provisions of Article 11, Section 5, of the Constitution of Texas, unless especially except under the terms of this act.

The term "governing body" as used in this act shall include the governing body of every city, whether designated as "Board of Alderman," "City Council," "City Commission," or otherwise.

For the purposes of this act the term "current funds" shall include money in the treasury, taxes in process of collection during such tax year, and all other revenues which may be anticipated with reasonable certainty during such tax year, the twelve months succeeding the date of the order or ordinance approving the contract based upon such funds.

The term "bond funds" shall include money in the treasury already received from the sale of bonds, and the proceeds of bonds theretofore voted but not yet issued and delivered.

The term "time warrant" as used in this act shall include any warrants issued by a city or county not payable out of current funds.

The short title of this act shall be "Bond and Warrant Law of 1931."

Sec. 2. No county acting through its commissioners court, and no city in this State, shall hereafter make or enter into any contract or agreement for the construction of any public building, or the prosecution and completion of any public work requiring or authorizing any expenditure in excess of \$2000, creating or imposing an obligation or liability of any nature of character upon such county,